REMARKS/ARGUMENTS

In the specification, paragraph [0069] has been amended to correct the reference numerals so that they are consistent with Figure 3.

By this amendment, Claims 1, 6, and 10-12 have been amended. Claims 14-29 have been added. Claim 7 has been cancelled. Hence, Claims 1-6 and 8-29 are pending in the application. The amendments to the claims as indicated herein do not add any New matter to this application. Furthermore, amendments made to the claims as indicated herein have been made to exclusively improve readability and clarity of the claims and not for the purpose of overcoming alleged prior art.

I. SUMMARY OF THE REJECTIONS/OBJECTIONS

Claims 1-2 and 6-13 were rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent No. 6,614,781 issued to Elliott et al. ("*Elliott*").

Claims 3-5 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Elliott* in view of Zirojevic et al. (U.S. Patent Application No. 20030035417 A1), and further in view of Miyazawa et al. (U.S. Patent Application No. 20010003189 A1).

II. THE REJECTIONS BASED ON THE PRIOR ART

A. Claims 1-2 and 6-13 were rejected under 35 U.S.C. § 102(e) as allegedly anticipated by *Elliott*.

Claim 1 recites the steps of:

> creating and storing a virtual switch object, wherein the virtual switch object **is an instantiation of a class** and represents a virtual switch, in a packet-switched voice network, having a media gateway controller and one or more associated

media gateways, **wherein the virtual switch object comprises programmatic objects representing the media gateway controller, the one or more media gateways**, and associations between the one or more media gateways and the media gateway controller;

receiving user input that specifies a configuration operation **on the virtual switch** and one or more parameter values; and

automatically issuing one or more configuration instructions to both the media gateway controller and the media gateway, resulting in configuring both the media gateway controller and the media gateway as specified in the user input (emphasis added).

Claim 1 teaches the step of creating a virtual switch object which represents a virtual switch in which the virtual switch has a media gateway controller and one or more associated media gateways. Claim 1 has been amended to clarify that the virtual switch object is an instantiation of a class. Claim 1 has also been amended to incorporate Claim 7 to clarify that "the virtual switch object comprises programmatic objects representing the media gateway controller, the one or more media gateways, and associations between the one or more media gateways and the media gateway controller."

Without limiting the scope of the claim, one of the many benefits of having a virtual switch object is that a virtual switch object encapsulates and abstracts the elements of a packet-switched network, and facilitates provisioning the packet-switched network elements. Thus, much of the underlying complexity of a packet switched network is hidden from users, which simplifies network management.

Elliott fails to teach or suggest the elements of amended Claim 1 for several reasons, partly because *Elliott* is aimed at a completely different objective. *Elliott* teaches a method for transmitting voice information over a packet-switched network that is adapted to coexist and communicate with a legacy Public Switched Telephone Network (PSTN) (col. 4 lines 31-34).

First, the independent claims recite a "virtual switch object," but **both the first and the second Office Actions omit the term "object" in applying the *Elliott* reference**. Thus, the Office Actions apply *Elliott* to something other than what is actually claimed. The Office Actions correlate a "virtual switch" to a "system" in Figure 4A of *Elliott*, but nothing in *Elliott* corresponds to the claimed "virtual switch object."

If the Office Actions intended to assert that "virtual switch object" is similar to the "system" of *Elliott*, then the assertion is incorrect. The "system" in Figure 4A illustrates multiple gateways and their respective interfaces with a soft switch. Claim 1, on the other hand, states that a virtual switch object "is an instantiation of a class." It is clear that a system (i.e. a collection of network elements used to perform a particular function) is **not equivalent** to an object that is an instantiation of a programmatic class.

With respect to the features of Claim 7 that are incorporated into Claim 1, the Office Actions alleged that *Elliott* taught that "the virtual switch object comprises programmatic objects representing the media gateway controller, the one or more media gateways, and associations between the one or more media gateways and the media gateway controller." This is incorrect for at least two reasons. First, the Office Actions, by not explicitly equating "virtual switch object" to anything in the section discussing Claim 7, maintain the assertion that "virtual switch object" is equivalent to the system of Figure 4A of *Elliott*, which is erroneous for the reasons cited above. Second, even if it is assumed that the system of Figure 4A is similar to "virtual switch object," **nothing in *Elliott* suggests that the system of Figure 4A comprises programmatic objects representing a media gateway**.

The portion of *Elliott* cited in the Office Actions for teaching "virtual switch object comprising programmatic objects" refers to Figures 1 and 4A. *Elliott* states that "FIG. 1 is a block diagram 100 illustrating the components of the VOIP architecture" and that "FIG. 4A is a block diagram illustrating the interfaces between soft switch 204 and the remaining components of telecommunications network 200." Nothing in the cited figures or surrounding text suggests that the system of Figure 1 or 4A comprises programmatic objects. Also, *Elliott* is devoid of any suggestion of a programmatic object representing a media gateway.

The Office Actions also contended that *Elliott* taught "receiving user input that specifies a configuration operation on the virtual switch and one or more parameter values." However, the Office Actions equated "virtual switch" with the system of Figure 4A of *Elliott*. *Elliott* fails to mention what part of the system of Figure 4A receives user input, if any at all. As mentioned above, Figure 4A only illustrates interfaces of components of a telecommunications network. Therefore, **no part of the system of Figure 4A receives user input**, much less user input that specifies a configuration operation.

Claim 1 further recites "automatically issuing one or more configuration instructions to both the media gateway controller and the media gateway, resulting in configuring both the media gateway controller and the media gateway as specified in the user input." The Second Office Action cited Figures 4F-4I of *Elliott* for this step and contends that the claimed "media gateway" is the "soft switch" of Figure 4A. Figures 4F-4I and the accompanying text refer only to a soft switch, a network communications center, and a configuration server, but **not a media gateway**. Thus, Figures 4F-4I and the accompanying text do not and **cannot teach or suggest**

that a media gateway is configured, much less that a media gateway is configured based on automatically issued configuration instructions.

Thus, based on the foregoing, *Elliott* fails to teach or suggest all of the features of Claim 1. Without these features of Claim 1, a network according to *Elliott* cannot achieve some of the many benefits (cited above) that are obtained by implementing the features of Claim 1, such as hiding from a user much of the underlying complexity of a packet switched network. It is therefore respectfully submitted that Claim 1 is patentable over *Elliott*.

Independent Claims 10-12 are either computer-readable medium or apparatus claims that recite the features of Claim 1 discussed above. It is therefore respectfully submitted that Claims 10-12 are also patentable over *Elliott* for the same reasons cited above for Claim 1.

Claims 2-6, 9, and 13-29 not discussed so far are dependent claims that depend on an independent claim discussed above. Because each of the dependent claims includes the limitations of the claim upon which they depend, the dependent claims are patentable for at least those reasons given above for the independent claims upon which they depend. Removal of the rejections with respect to the dependent claims and allowance of the dependent claims is respectfully requested. In addition, the dependent claims introduce additional limitations that independently render them patentable. However, due to the fundamental differences already identified for the independent claims upon which they depend, a separate discussion of those limitations are not included at this time.

B. Claims 3-5 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Elliott* in view of *Zirojevic* and further in view of *Miyazawa*.

Claims 3-5 depend directly or indirectly from Claim 1. Because each of Claims 3-5 includes the limitations of Claim 1, Claims 3-5 are patentable for at least those reasons given above for Claim 1. Removal of the rejections with respect to Claims 3-5 and allowance of Claims 3-5 is respectfully requested. In addition, Claims 3-5 introduce additional limitations that independently render them patentable.

For example, the Second Office Action admitted that *Elliott* **does not teach** that the virtual switch object is part of a network management application computer program that generates a graphical use interface that displays an icon representation of the virtual switch, as recited in Claim 3. The Second Office Action then contended that *Zirojevic* discloses this feature and that it would have been obvious for one of ordinary skill in the art to include a graphical user interface that displays an icon representation of the virtual switch. This is incorrect. The "switches" referred to in *Zirojevic* are electrical switches, specifically mechanical relays and solid-state switches ([0012]), and thus **do not relate to networks**, much less packet-switched networks. In fact, *Zirojevic* suggests nothing about, nor mentions the terms, "gateways," "packets," or "networks." Thus, *Zirojevic* is **not in the same technical field** as Claim 3. Because *Zirojevic* discloses a different structure for a different purpose and is not reasonably pertinent to the problem with which the inventor is concerned, *Zirojevic* should be withdrawn as a reference as non-analogous art (see MPEP § 2141.01(a)).

The Second Office Action also admitted that neither *Elliott* nor *Zirojevic* teach "the step of receiving user input dragging the icon representation and dropping the icon representation in a data entry field," as recited in Claim 3. The Second Office Action then alleged that *Miyazara* teaches this step and that would have been obvious to include this feature with a combined

assembly of *Elliott* and *Zirojevic*. Even if it were true that *Miyazara* teaches what the Second Office asserted, both *Elliott* and *Zirojevic* fail to teach or suggest the other features of Claim 3, outlined above.

With respect to Claims 4 and 5, each of them depends on Claim 3. Thus, the combination of *Elliott*, *Zirojevic*, and *Miyazawa* cannot teach or suggest all the features of Claims 4 and 5 for the same reasons cited above with respect to *Elliott* and *Zirojevic*.

III. CONCLUSION

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Please charge any shortages or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,
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on March 30, 2006 by Trudy Bagdon
Trudy Bagdon